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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,792	02/09/2004	Richard H. Kim	328p-Kim	9039

7590 03/28/2005  
Barber Legal  
P.O. Box 16220  
Golden, CO 80402-6004

EXAMINER

ELKINS, GARY E

ART UNIT PAPER NUMBER

3727

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/774,792

EXAMINER

ART UNIT	PAPER
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20050323

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See the attached Notice of Non-Responsive Amendment.

*Gary E. Elkins*  
 Gary E. Elkins  
 Primary Examiner  
 Art Unit: 3727

***Notice of Non-Responsive Amendment***

1. The reply filed on 04 March 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the status of claims 8, 17, and 20 is unclear. Claims 8, 17 and 20 have not been "withdrawn" from examination by the Examiner as indicated in the amendment. The Notice of Non-Compliant Amendment mailed 26 January 2005 required Applicant to provide the text of these claims insofar as claims which have been "withdrawn" from examination (e.g. due to restriction) are still pending within the application. It would appear that Applicant is attempting to cancel these claims and as such, the status identifier --- cancelled--- must be used (without the text of the claim). It is noted that an Applicant cannot "withdraw" claims from examination. Such a withdrawal by an Applicant is done by cancellation. In other words, an Applicant cannot retain claims in an application while precluding examination. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**